

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

Civil Action No. 2:05CV214

AN EASEMENT AND RIGHT-OF-WAY
OVER 0.39 ACRE OF LAND, MORE OR
LESS, AND ADDITIONAL RIGHTS
WITH RESPECT TO A PREEXISTING
EASEMENT AND RIGHT-OF-WAY
OVER LAND IN CHEROKEE COUNTY,
NORTH CAROLINA

LYNDA L. ROSS
UNKNOWN OWNERS
Defendants

JUDGMENT

This action involves the condemnation of an easement and right-of-way and additional rights with respect to a preexisting easement and right-of-way over land in Cherokee County, North Carolina. Upon filing the Complaint and Declaration of Taking in this action, Plaintiff deposited \$6,100 in the registry of this Court as its estimate of just and liberal compensation for said taking.

Plaintiff has been unable to determine the whereabouts of Lynda L. Ross or any unknown owner despite diligent efforts to do so. Defendants were properly served with notice of this action by publication. No Defendant answered or otherwise appeared in this action, and no Defendant contacted Plaintiff in response to the published notice.

Pursuant to the Court's June 16, 2006 order, this action came on to be heard by the Court on the issue of just compensation for said taking and the Court found, based on the evidence received and the record herein, that \$6,100 constitutes just compensation for the taking.

IT IS, THEREFORE, ORDERED AND ADJUDGED that:

1. The Defendants recover of Plaintiff \$6,100 as just compensation for the taking of the easement and right-of-way herein condemned, provisions for the disbursement of which amount are provided for in paragraphs 3 and 4.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on August 19, 2005, is hereby fully and finally confirmed with respect to the easement rights described in Exhibit A attached hereto (said description being the same as Exhibit A attached to the Declaration of Taking filed herein).

3. The award shall remain on deposit with the United States Treasury in accordance with 28 U.S.C. §§ 2041-2042 (2000), subject to further order of this

Court, as provided for in said statute. Defendant Lynda L. Ross, or any other person claiming a share of the award, can seek disbursement thereof by filing with this Court an appropriate claim accompanied by a social security number and adequate documentation confirming such applicant's entitlement to the claimed share of the award.

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

5. The Clerk of this Court is directed to close this file.

Signed: August 3, 2006

Tendered by:



Lacy H. Thornburg
United States District Judge



s/Edwin W. Small

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003771641

TRACT NO. MBNR-5

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MBNR-5

A parcel of land located in the Murphy Township of Cherokee County, State of North Carolina, consisting of 0.39 acre of new right-of-way and 1.09 acre of preexisting right-of-way, as shown on a map entitled "Murphy-Nottely Transmission Line," drawing LW-1979, sheet P1, R.0, the portion of said map which shows said parcel of land and said new and preexisting rights-of-way being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning as a point where the centerline of the transmission line location crosses the north property line of the land of Lynda L. Ross and the south property line of the land of Helen Hampton Bryson at survey station 46+21.60, said point being N. 88° 54' 49" E., 18.15 feet from a property corner common between the land of Lynda L. Ross, Helen Hampton Bryson, and Carmen Stiles Townson, said property corner being 18.11 feet right of survey station 46+22.63, said centerline being the centerline of the existing Murphy-Chatuge Transmission Line as shown on US-TVA drawing LW-1982, sheet 1; thence leaving said point and with the said property line N. 88° 54' 49" E., crossing the east right-of-way line of the said existing transmission line, 50.09 feet to a point, said point being in the east right-of-way line of the said location; thence leaving said point and with the said right-

of-way line S. 2° 19' 00" W., 612.11 feet to a point, said point being in the southeast property line of the land of Lynda L. Ross and in the northwest property line of the land of Donald A. Lindsay; thence leaving said point and with the said property line S. 64° 09' 08" W., 51.83 feet to a point, said point being a property corner common between the lands of Lynda L. Ross, Donald A. Lindsay, Jeffrey C. McRae, Trustee, and Mark E. Dickey, Trustee, said property corner being 4.31 feet left of survey station 52+55.16; thence leaving said point and with the southeast property line of the land of Lynda L. Ross and the northwest property line of the land of Mark E. Dickey, Trustee, S. 64° 09' 08" W., 4.89 feet to a point, said point being on the centerline of the said location at survey station 52+57.50; thence leaving said point and continuing with said property line S. 64° 09' 08" W., crossing the west right-of-way line of the said existing transmission line, 56.71 feet to a point, said point being in the west right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 2° 19' 00" E., 451.68 feet to a point; thence leaving said point and continuing with said right-of-way line N. 1° 11' 52" W., 178 feet to a point, said point being in the northwest property line of the land of Lynda L. Ross and in the southeast property line of the land of Carmen Stiles Townson; thence leaving said point and with the said property line N. 55° 18' 49" E., crossing the west right-of-way line of the said existing transmission line, 53.59 feet to a point, said point being a property corner common between the lands of Lynda L. Ross, Carmen Stiles Townson, and Helen Hampton Bryson, said property corner being 18.11 feet right of survey station 46+22.63; thence leaving said point and with the north property line of the land of Lynda L. Ross and the south property line of the land of Helen Hampton Bryson, N. 88° 54' 49" E., 18.15 feet to the point of beginning and containing 0.39 acre of new right-of-way and 1.09 acre of preexisting right-of-way, more or less.

The foregoing easement rights are acquired except insofar as those rights or any part thereof are already owned by Plaintiff, which heretofore acquired and now owns a permanent easement and right-of-way for electric power transmission and communication purposes over said land by virtue of a grant recorded in Deed Book 135, page 541, in the office of the Register of Deeds of Cherokee County, North Carolina.

TRACT NO. MBNR-5

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — Lynda L. Ross (Deed Books 549 and 629, pages 21 and 180, respectively).

Parcel identification number: 459216835087000

EXHIBIT A